

The Law Offices of Mikio Ishimaru

Intellectual Property Law
Patents - Licensing - Strategy - & Related Matters
1110 Sunnyvale-Saratoga Road, Suite A1
Sunnyvale, CA 94087
Telephone: (408) 738-0592
Fax: (408) 738-0881

RECEIVED
CENTRAL FAX CENTER

APR 02 2005

Fax

To: Mail Stop AMENDMENT From: Mikio Ishimaru
Examiner James C. Kerveros

Fax: (703) 872-9306 Pages: 15, including this page
TC 2133 - Before Final

Phone: 571-272-3824 Date: April 2, 2005

Re: U.S. Patent Application Serial
No. 09/704,888 Atty Docket no.: 21-005

☒ Response/Amendment to Office Action ☐ Information ☐ Other


IMPORTANT

The information contained in this facsimile is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone, and return the original message to us at the address above via the U.S. Postal Service. Thank you.

For confirmation or assistance, call (408) 738-0592

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on April 2, 2005


Signature

Vickie Ishimaru

Typed or printed name of person signing Certificate

With reference to serial number 09/704,888, the following are being submitted:

- Fax Cover Sheet with Certificate of Transmission
- Transmittal for Enclosures
- Response/Amendment

Docket No.: 21-005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Richard C. Jaworski et al.

: Confirmation No.: 4649

Serial No.: 09/704,888

: Examiner: James C. Kerveros

Filed: Nov 1, 2000

: Group Art Unit: 2133

For:

System and Method for Testing the
Upstream Channel of a Cable Network

TRANSMITTAL FOR ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Response / Amendment	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> After Final	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement, PTO Form-1449, & cited Reference(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	• Fax Cover Sheet with Certificate of Transmission
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

The fee, if required, has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	34	35	0	x \$25 =	\$ 0.00
Independent Claims	5	5	0	x \$100 =	\$ 0.00
If multiple claims newly presented, add \$150					
Fee for extension of time					
Other:					
TOTAL FEE					\$0.00

- ☐ Please charge Deposit Account No. 50-0374 in the amount of \$ 0.00. An additional copy of this transmittal sheet is submitted herewith.
- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 50-0374, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

*Mikio Ishimaru*Mikio Ishimaru
Registration No. 27,449
Date: April 2, 2005

Docket No.: 21-005

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED
CENTRAL FAX CENTE
APR 02 2005**

In re Application of: Richard C. Jaworski, et al. : Confirmation No.: 4649
Serial No.: 09/704,888 : Art Unit: 2133
Filed: 11/1/2000 : Examiner: James C.
Kerveros

For: System and Method for :
Testing the Upstream
Channel of a Cable
Network

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE /AMENDMENT

Sir:

The following Amendment and Remarks are submitted under 37 C.F.R. §1.111 in response to the Office Action mailed March 23, 2005, following the amendment format set forth under 37 CFR §1.121. After this introductory section, there are Amendments to the Claims and then Remarks, each starting on a separate page.

Amendments to the Claims consist of the cancellation of claim 14 and amendments for claims 1-6, which are incorporated in a complete listing of the claims.